



COMMONWEALTH OF KENTUCKY
ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY

ANTHONY M. WILHOIT
COURT OF APPEALS

700 Capitol Ave., Suite 200
FRANKFORT, KENTUCKY 40601-3489

ROGER L. CRITTENDEN
DISTRICT COURT

JOSEPH H. ECKERT
CIRCUIT COURT

B. M. WESTBERRY, CHAIRMAN
ATTORNEY

UHEL O. BARRICKMAN
ATTORNEY

Judicial Ethics Opinion
JE-81

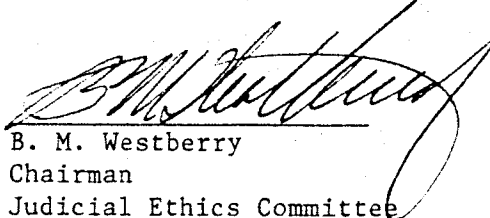
November 18, 1991

Formal Opinion

Question: Whether a Circuit Judge who formerly served as Commonwealth's Attorney may comply with a Parole Board's rule that the prosecutor write a letter saying he has no objection to a convicted felon being given an early Parole Board review.

Answer: The Judicial Ethics Code does not prohibit a Judge from complying with a Parole Board Rule.

The Judicial Ethics Committee was asked to decide whether a Circuit Judge who had formerly served as a Commonwealth's Attorney was prohibited from complying with a Parole Board rule that the prosecutor write a letter saying he has no objection to a convicted felon being given as early Parole Board review. The Committee finds that such a letter does not constitute a letter of recommendation so as to be governed by Judicial Ethics Opinion JE-74 and the judge is not being asked to serve as a character witness as prohibited by Canon 2B. The Judicial Ethics Code does not prohibit a judge from complying with a Parole Board rule.


B. M. Westberry
Chairman
Judicial Ethics Committee

BMW:mhj